

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SAMIRA SIERRA, AMALI SIERRA, RICARDO
NIGAGLIONI, and ALEX GUTIERREZ, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

CITY OF NEW YORK, a municipal entity; BILL DE
BLASIO, in his individual capacity; TERENCE A.
MONAHAN, in his individual capacity; UMID
KARIMOV, in his individual capacity; ALFREDO
JEFF, in his individual capacity; DEBORA MATIAS,
in her individual capacity; and ANDRE JEANPIERRE,
in his individual capacity, KENNETH C. LEHR, in his
individual capacity,

Defendants.
-----X

20 Civ 10291 (CM) (GWG)

**PLAINTIFFS' FIRST SET OF
SUPPLEMENTAL DISCOVERY
REQUESTS**

Pursuant to Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure and Rules 26.3 and 33.3 of the Local Civil Rules of the United States District Court for the Southern and Eastern Districts of New York, Plaintiffs request that Defendants answer the following interrogatories and produce the requested documents, within thirty days of the service hereof. Plaintiffs request that responses to these interrogatories and requests and copies of the requested documents be sent to Plaintiffs' counsel by electronic mail, addressed to josh@moskovitzlaw.com, or by some other accessible method of electronic delivery. If electronic delivery is impractical, responsive materials may be sent to The Law Office of Joshua Moskowitz, P.C., 14 Wall Street, Suite 1603, New York, New York 10005.

INTERROGATORIES

Pursuant to Federal Rule of Civil Procedure 33(b) and Local Civil Rule 33.3, please answer each of the following interrogatories separately and fully in writing and signed by the person who makes the answers:

1. For each person arrested at the June 4, 2020 Mott Haven protest, identify (within the meaning of Local Civil Rule 26.3(c)(3)) the NYPD officer(s) with personal knowledge of individualized probable cause to arrest that person.

2. For each person arrested at the Mott Haven protest on June 4, 2020, state the law(s) for which the officer(s) identified in Interrogatory No. 1 had individualized probable cause to arrest that person.

3. Identify (within the meaning of Local Civil Rule 26.3(c)(3)) all NYPD officers who sorted persons detained at East 136th Street and Brook Avenue, Bronx, on the evening of June 4, 2020, in order to determine whether or not there was individualized probable cause for their arrest.

4. Identify (within the meaning of Local Civil Rule 26.3(c)(3)) all NYPD officers of the rank of Lieutenant and above who were present at the June 4 Mott Haven protest, or participated in the execution of the policing action at that protest even if not physically present (including but not limited to facilitating or participating in communications, surveillance, traffic management, and aerial observation).

5. Identify (within the meaning of Local Civil Rule 26.3(c)(3)) all persons at the planning meeting at the 40th Precinct before the June 4, 2020 Mott Haven protest that included executive staff, Chief Monahan, Chief Wedin, and Assistant Chief Lehr as discussed in the document titled "Assistant Chief Lehr Digest," at DEF_000164215.

6. Identify (within the meaning of Local Civil Rule 26.3(c)(3)) the person from NYPD Legal who showed Officer Hernandez-Carpio a document containing the narrative that he used to fill out the “Details” section of the arrest report for Charles Wood, as described in the July 12, 2021 deposition of Officer Hernandez-Carpio at pages 114-116.

7. If the Answer to the below Contention Interrogatory is anything other than an unqualified “No,” identify (within the meaning of Local Civil Rule 26.3(c)(3)) any NYPD officer who communicated to the marchers that they should stop marching, should leave the roadway, were violating any law, were blocking vehicular or pedestrian traffic, or in any way communicated to the marchers that they should desist from marching on the sidewalks and in the roadway.

CONTENTION INTERROGATORY

8. Do defendants contend that on June 4, 2020, in the Bronx, other than a line of officers blocking entry onto the Willis Avenue Bridge, New York City Police Department officer(s) communicated to protesters marching on the sidewalks and in the roadway from the vicinity of East 149th Street and Third Avenue to East 136th Street and Brook Avenue that they should stop marching, should leave the roadway, were violating any law, were blocking vehicular or pedestrian traffic, or in any way communicated to the marchers that they should desist from marching on the sidewalks and in the roadway?

DOCUMENT REQUESTS

1. Produce the following Argus video footage concerning the June 4, 2020 Mott Haven, Bronx, protest: All video depicting police preparations for the protest (e.g., placement of officers in the vicinity, placement of Mobile Command Centers, placement of prisoner transport vehicles, deployment of SRG and other police units), and activities of the protesters and police during the protest and subsequent arrests, including but not limited to

- a. video depicting the vicinity of 149th Street and Third Avenue (“The Hub”) from 6:00 p.m. to 7:30 p.m.;
 - b. video depicting the course of the march from the vicinity of The Hub to East 136th Street and Brook Avenue from 6:30 p.m. to 8:00 p.m.;
 - c. video depicting police movement and placement during the course of the march from 6:30 p.m. to 8:00 p.m.
 - d. video depicting the vicinity of East 136th Street and Brook Avenue from 7:30 p.m. to 11:00 p.m.
2. Produce all documents and video footage concerning rioting, arson, looting, and any protests on Fordham Road in the Bronx on June 1, 2020.
3. Produce all documents concerning any information known to the NYPD before or during the June 4, 2020 Mott Haven protest concerning illegal conduct, or the possibility thereof, at the Mott Haven protest.
4. Produce all documents concerning any investigation before 8:00 p.m. on June 4, 2020, into any person who had made statements advocating illegal conduct at the June 4, 2020 Mott Haven protest.
5. Produce all documents concerning communications to or from any undercover police officers or informants who participated in the Mott Haven protest on June 4, 2020.
6. Produce the document that someone from NYPD Legal showed Officer Hernandez-Carpio containing the narrative that he used to fill out the “Details” section of the arrest report for Charles Wood, as described in the July 12, 2021 deposition of Officer Hernandez-Carpio at pages 114-116.

7. Produce all documents concerning the planning meeting at the 40th Precinct before the June 4, 2020 Mott Haven protest attended by executive staff, Chief Monahan, Chief Wedin, and Assistant Chief Lehr as discussed in the document titled “Assistant Chief Lehr Digest,” at DEF_000164215.

8. If the Answer to the above Contention Interrogatory is anything other than an unqualified “No,” produce all documents concerning any communication to the marchers that they should stop marching, should leave the roadway, were violating any law, were blocking vehicular or pedestrian traffic, or in any way communicated to the marchers that they should desist from marching on the sidewalks and in the roadway.

Plaintiffs reserve the right to supplement these requests and to serve additional discovery requests.

Dated: August 3, 2021
New York, New York

s/

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